

Claim Rejections Under 35 U.S. C. § 102:

The Examiner has rejected claims 1-7, 9-13 and 17-29 under 35 U.S.C. § 102(b) as being anticipated by Fenwall Controls (JP 09196843, hereinafter “Fenwall”). For the following reasons, Applicant respectfully traverse this rejections.

Fenwall describes a device for determining whether the air suction holes 12 in an air sampling pipe 1 are clogged or becoming clogged. A suction cylinder 17 projects from each air suction hole 12. The projecting end of the cylinder 17 is attached to an oscillating generator 11. An oscillating sensing device 20 comprises a microphone 21, detector circuit 22, and memory 23.

The sensing device 20 appears to be portable and separate to the cylinder 17 and oscillating generator 11. The microphone 21 may be attached to the “tip of a cylindrical long support member” for bringing the microphone 21 “close to near the oscillating generator [para 22]. (Also at [para 25] the ‘microphone 21 is located in the nearness of each oscillating generator’.]”.

Turning to the examiner’s specific comments on each of the claims Applicants respectfully offer the following remarks in reply in support of allowance of the application:

Claim 1: The Examiner suggests that device 17 is “an extension means attached to a hole to test it”. Applicants submit that device 17 is instead a suction cylinder used to connect each air suction hole 12 to a oscillating generator 11 [para 17]. The suction cylinder 17 itself does not constitute an ‘extension means’ that facilitates measuring being performed ‘at a point remote from the sampling inlet, at or near ground level’. Further, each air suction hole 12 of Fenwall

comprises a suction cylinder 17 so it cannot be called a 'single extension means' that is used for flow measurements on multiple air suction holes.

Claim 2: The Examiner states that 'device 20 is attached to a hole to test it'. Applicants cannot locate any such disclosure in Fenwall. Fenwall describes a suction cylinder 17 fitted to each hole 12 and an oscillating generator 11 attached to the projecting end of the cylinder 17. Fenwall [at para 22] describes attaching the 'collecting microphone at the tip of a cylindrical long support component' for bringing the microphone 'close to near the oscillating generator 11'. The 'long support component' is not shown or described in greater detail but it appears reasonable to infer it lies between microphone 21 and the device 20.

Applicants submit then that device 20 is not attached to a hole to test it and at best the microphone 21 is brought close to the oscillating generator.

The Examiner also states that the 'testing device 20 has a short attachment means 17'. This appears to be incorrect 'short attachment means 17' is suction cylinder 17 and this is not attached to testing device 20.

Claims 7 and 17: The Examiner considers that Fenwall discloses an ultrasonic flow sensor simply because the frequency of the vibration of air that is measured is outside the audio range. Persons skilled in the art clearly understand the term 'ultrasonic flow sensor' to relate to the practice of transmitting ultrasonic sound into a pipe.

Claim 10: The Examiner identifies item 17 in Figure 1 as a 'flow sensor arrangement'. Item 17 is in fact simply a suction cylinder and in any event does not form a 'sealed fluid

communication path between a flow sensor (Fig 1 item 21) and one of a plurality of sampling inlets’.

The Examiner then refers to item 17 as an adapter that connects the sensor to the inlet. Item 17 serves to connect the inlet to oscillating generator 11.

The language of paragraph [0030] is a little ambiguous. It would appear from this paragraph that the oscillating sensing device 20 can be attached by each air suction hole 12, and that it ‘receives’ oscillating generator 11. The oscillating sensing device 20 is at best ‘connected’ to the oscillating generator 11 via microphone 21. Applicant submits that this connection is not a ‘sealed fluid communication path’. Even if this is interpreted as the sensing device forming a sealed fluid communication path with one of the inlets (which Applicants do not concede) it appears to be the ‘cylindrical long support member’ [para 0022] that acts as an extension means rather than suction cylinder 17.

Claim 12: Similar comments to those above apply here also. Here the Examiner considers item 17 to be the ‘connector adapted to sealingly engage one of a plurality of sampling inlets’ whereas previously it was considered to be the ‘extension means’.

Further, there is no clear disclosure of device 20 being ‘attached to a hole to test it’.

The Examiner again states that ‘adapter 17 connects the sensor to the inlet 12’ however Applicants cannot find clear disclosure of this.

Claim 18: Similar comments as above. Additionally, Fenwall does not disclose a single extension means being connect to each of a plurality of sample inlets.

Conclusion:

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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